

EXHIBIT "A" to
Resolution No. 11881

CITY of TUCSON
CONTRACT NO. 0078-83

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT

AG CONTRACT NO. 82-337

BETWEEN

THE STATE OF ARIZONA

AND

THE CITY OF TUCSON

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Section 11-951 through 11-954, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF TUCSON, hereinafter called "CITY",

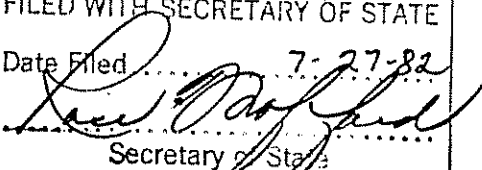
WHEREAS, the STATE is empowered by Arizona Revised Statutes Section 28-108 to enter into this Agreement, and

WHEREAS, the CITY is empowered by Arizona Revised Statutes Section 9-672 to enter into the Agreement, and

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall include, but not be limited to, the installation of a new pedestrian flasher at the following location:

US 89 and Lee Street

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

| | | |
|--|---------|---------|
| NO. | 7936 | Sheet 1 |
| FILED WITH SECRETARY OF STATE | | |
| Date Filed | 7-27-82 | |
|  | | |
| Secretary of State | | |

1. The STATE shall furnish all materials and equipment necessary to complete the installation.

2. The CITY shall install, or have installed, all the materials and apparatus in a good workmanlike manner, and in accordance with the latest revisions of the Arizona Department of Transportation Traffic Signal and Highway Lighting Systems Standard Drawings and General Specifications for Traffic Signal and Highway Lighting Systems; and, the CITY shall furnish personnel for inspection of any installation process done by its agent or contractor.

3. The STATE shall deliver all STATE-furnished materials and apparatus to the City of Tucson Signal Shop and shall pick up defective or damaged materials and all unused materials at the City of Tucson Signal Shop upon notification of completion of the work.

4. The STATE is bound by this AGREEMENT to furnish or secure certain materials and apparatus as hereinbefore stated; and, the CITY shall indemnify, save harmless, and defend the STATE, its officers and employees, from all suits, actions or claims of any character brought: a) because of any injuries or damage received or sustained by any person, persons or property on account of the operations of the CITY, its officers, employees, agents, and/or contractors or on account or in consequence of any neglect in safe-guarding the work; b) because of any act of omission, neglect, or misconduct of any officer or employee of the CITY, its agents and/or its contractors in accomplishing the work; or c) through the use, in constructing the work, of STATE furnished materials which may be determined, by

reasonable inspection upon receipt of said materials, to be patently deficient and unacceptable.

5. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the pedestrian flasher is complete, in place, and functional.

All parties are hereby put on notice that this AGREEMENT is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

6. This Agreement shall be filed with the Secretary of State and shall become effective upon such filing.

7. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this STATE to enter into this Agreement and that it is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By: 

Chief Deputy State Engineer

CITY OF TUCSON

By: 

Lewis C. Murphy
Mayor

COUNTERSIGNED:


City Clerk Donald L. DeMent
City Clerk

ADOPTED BY THE
MAYOR AND COUNCIL

JUN 07 1982

RESOLUTION NO. 11881

RELATING TO TRAFFIC CONTROL; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF A PEDESTRIAN FLASHER ON U.S. 89 AT LEE STREET.

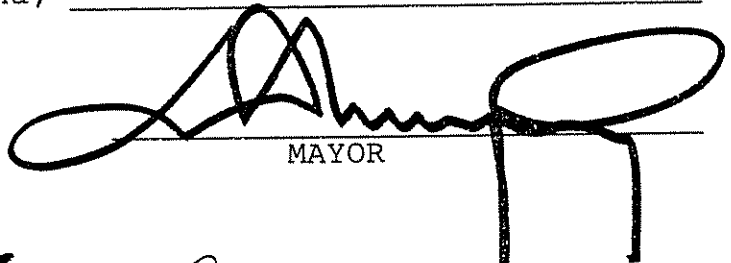
BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. That the Intergovernmental Agreement, a copy of which is attached, marked Exhibit A and by this reference incorporated herein, by and between the City of Tucson and the State of Arizona Department of Transportation for installation of a pedestrian flasher on U.S. 89 at Lee Street is hereby approved, and the Mayor is authorized and directed to execute the same for and on behalf of the City of Tucson, and the City Clerk is authorized and directed to countersign the same.

SECTION 2. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 3. WHEREAS it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist, and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, JUN 07 1982.


MAYOR

ATTEST:

David L. DeLoach et al.

EXHIBIT B TO INTERGOVERNMENTAL
AGREEMENT

Pursuant to A.R.S. §11-952D, the undersigned, as Assistant City Attorney for the City of Tucson, Arizona, has this 26th day of May, 1982, determined that the foregoing agreement is in proper form, and is within the powers and authority granted to the City under the laws of this State.

Louise B. Stratton
Louise B. Stratton
Assistant City Attorney



OFFICE OF THE
Attorney General

TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

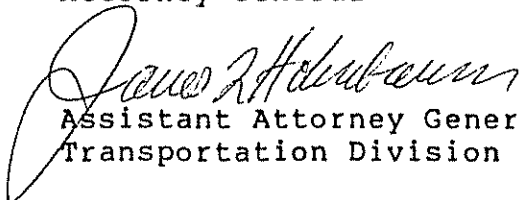
DETERMINATION

A. G. Contract No. 82-337, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 2d day of JULY, 1982.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division